

Customer No.: 31,561  
Docket No.: 26035-US-PA  
Application No.: 10/648,229

### **REMARKS**

#### **Present Status of the Application**

The Office Action rejected all presently-pending claims 1-8. Specifically, claim 1 is objected to; and claims 1-8 are rejected under 35 U.S.C. 103(a), as being unpatentable over Kita et al. (US 20030054821; hereinafter Kita), in view of Hasegawa (US 20030074592; hereinafter Hasegawa).

In response thereto, Applicant has amended claim 1, in which informality addressed by the objection thereto has been corrected as instructed by the Examiner.

Other claims remained unchanged from their previous forms.

#### **Discussion of the Office Action Objection**

Claim 1 is objected to.

In response thereto, Applicant has amended claim 1, in which informality addressed by the objection thereto has been corrected as instructed by the Examiner. Withdrawing of the Office Action Objection and allowance to the claimed invention are respectfully solicited.

#### **Discussion of the Office Action Rejection under 35 U.S.C 103 (a)**

*Applicant respectfully traverses the rejection of claims 1-8 under 103(a) as being unpatentable over Kita et al. (U.S. 2003/0054821) in view of Hasegawa (U.S.*

Customer No.: 31,561  
Docket No.: 26035-US-PA  
Application No.: 10/648,229

*2003/0074592) because a *prima facie* case of obviousness has not been established by the Office Action.*

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.

Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

”See M.P.E.P. 2143, Latest Revision August 2006”.

With respect to claim 1, recites:

A control method for setting up operation time of a wireless connection device, which is applied to a computer device comprising said wireless connection device and a driver program, wherein **said driver program has a**

**detection control software for setting a detection operation time of said wireless connection device**, the control method comprising:

**determining whether an internal clock of said computer device reaches a START time or an END time of said detection operation time when the computer device is booted and then turning on or turning off said wireless connection device according to the result of the determining, ...**

(Emphasis added)

First of all, Applicant submits that Kita, Hasegawa, or any of the other cited references, alone or in combination, fails to teach “wherein **said driver program has a detection control software for setting a detection operation time of said wireless connection device**”.

As subsequently defined, the detection operation time has a START time and an END time, and can be defined by the same. In this concern, the START time and the END time are set by the detection control software.

In the current Office Action, although the Examiner has alleged “Kita teaches ... wherein said driver program has a detection control software for setting a detection operation time of said wireless connection device ...”, the Examiner provided no evidence showing that Kita has indeed taught such subject matters.

After carefully reading the Kita reference, Applicant believes that Kita teaches nothing about a software for setting a detection operation time of a wireless connection device.

Furthermore, the Examiner, in the current Office Action, has clearly admitted that Kita does not teach an internal clock of said computer device using a START time or an END time which is controlled by the device to perform detection operation.

Thus, the Examiner cites Hasegawa to redeem the gap between the Kita reference and the claimed invention.

However, in redeeming the gap, the Examiner has improperly neglected a critical subject matter. Please note, the START time and the END time required by the claimed invention are provided for defining the detection operation time of said wireless connection device, and such a START time and an END time are relied upon in determining whether to turn on or turn off the wireless connection device.

On the contrary, Hasegawa teaches “a power supply schedule management/control unit 11a, and collectively manages/controls the power supply schedule (data and time on which the power is turned ON/OFF) of its own device and other computers 21, 31, and 41”, and “the power supply schedule management/control unit 11a requests the other computers 21, 31, and 41 to power them down each time the power down date and time comes according to a predetermined power supply schedule” (paragraph [0047]).

Hasegawa teaches other than the missing part in that it suggests to manage/control the power supply schedule of the computer and other computers connected thereto, rather than

to control a time schedule of turning on/off a wireless connection device of the computer host. Further, the start time and the end time of “the power supply schedule (data and time on which the power is turned ON/OFF) of its own device and other computers” are determined by the “power supply schedule management/control unit 11a” rather than “**a detection control software**”.

Furthermore, even though as proposed by the Examiner to modify Kita with Hasegawa’s teaching, the combination does not arrive at the present invention, and the won’t render the claimed invention obvious, because Hasegawa suggests that when reaching a start time/end time, if any, a power supply to the computer (computers connected thereto) is turned on/off. The combination is still silent about the operation of the wireless connection device responsive to the START time and the END time.

For at least the same reasons, applicant submits amended claim 1, and its dependent claims 2-5 should be patentable over Kita, Hasegawa, or any of the other cited references, taken alone or in combination, and thus should be allowed.

Claim 6, which has been rejected for the similar reason, recites the similar limitation as discussed above with respect to claim 1, is thus also submitted to be allowable for similar reasons addressed above. Claims 7-8 depends on claim 6, therefore, and should be also allowed.

Customer No.: 31,561  
Docket No.: 26035-US-PA  
Application No.: 10/648,229

### **CONCLUSION**

For at least the foregoing reasons, it is believed that the pending claims 1-8 are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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Respectfully submitted,

  
Belinda Lee

Belinda Lee

Registration No.: 46,863

Jianq Chyun Intellectual Property Office  
7<sup>th</sup> Floor-1, No. 100  
Roosevelt Road, Section 2  
Taipei, 100  
Taiwan  
Tel: 011-886-2-2369-2800  
Fax: 011-886-2-2369-7233  
Email: [belinda@jcipgroup.com.tw](mailto:belinda@jcipgroup.com.tw)  
[Usa@jcipgroup.com.tw](mailto:Usa@jcipgroup.com.tw)